

SUMMARY OF THE RESTRICTION REQUIREMENT AND ELECTION

- 1) Claims 1-10 have been defined as invention Group I.
- 2) Claims 11-20 have been defined as invention Group II.
- 3) Applicants provisionally elect the subject matter of Group I, claims 1-10, for prosecution on the merits.
- 4) This election is made **with traverse**.

TRAVERSAL OF RESTRICTION REQUIREMENT

The basis of the restriction requirement as stated in the Office Action is that:

It is asserted that the inventions are distinct because they may be classified in different class/subclass areas and because of an unsupported assertion that the inventions are distinct.

The restriction requirement is completely devoid of any substantive basis for providing basis for the assertion that the claims are distinct. The statements merely indicate that claims can be restricted for purposes of examination **if they are distinct**, but provide no reason or basis for evidencing a finding of distinction. AS a matter of law, the restriction requirement is in error and cannot be made final in the next Office Action.

On a substantive basis, a comparison of the claims shows that although there are differences between the independent claims (which there must be for the two claims to be properly pending in a single application), those differences do not render the claimed subject matter distinct.

CLAIM 1	CLAIM 11	COMMENTS
A method of playing a poker-type card game comprising at least one player making at least one ante wager in the poker-type game:	A method of playing a poker-type card game comprising at least one player making at least two independent Ante wagers in the poker-type game:	The only difference is the two wagers in claim 11, which is within the scope of the at least one wager of claim 1.
at least one player receiving a	at least one player receiving	The language of claim 1 is

first number of cards and a dealer receiving a second number of cards that is at least one card more then the number of cards received by the player;	cards and a dealer receiving cards;	again within the generic scope of claim 11.
providing a set of community cards that can be used by the dealer and the player;	providing a set of community cards that can be used by the dealer and the player;	
<p>exposing one of the dealer's cards to provide an exposed dealer card;</p> <p>compelling the dealer to discard the exposed dealer's card if the rank of the exposed dealer's card is within a first range of values and</p> <p>compelling the dealer to discard an unexposed dealer's card if the exposed dealer's card is within a second range of values to determine the dealer's hand;</p>	allowing the player to withdraw at least one of the at least two Ante wagers;	
resolving the at least one ante wager according to rules of the poker type game, with the dealer and the at least one player forming multiple-card poker hands	resolving the at least one wager according to rules of the poker type game, with the dealer and the at least one player forming multiple-card poker hands	

from a) the community cards and dealer's cards and b) the community cards and the at least one player's cards.	from a) the community cards and dealer's cards and b) the community cards and the at least one player's cards.	

It is clear from this analysis that claim 1 is a species from within the genus of claim 11.

As such, there might have been a requirement of an election of a species **for purposes of examination**, and upon indication of allowance of the species, the genus should be considered for allowance.

CONCLUSION

The restriction requirement should be withdrawn, claim 1 should be examined as a subspecies of the genus of claim 11, and upon indication of allowance of claim 1, claims 11-20 should be allowed.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Mark A. Litman at (952) 832-9090.

Respectfully submitted,

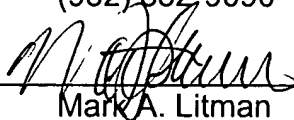
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By Their Representatives,

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